THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.12840 of 2007

Date: 3rd September, 2007

Between :-

Kosaraju Radha Krishna Murthy .. Petitioner

And

The Executive Officer,
Sri Bhavaji Matam, Peteru village,
Repalli Mandal, Guntur District and another .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.12840 of 2007

ORDER:-

This Court ordered *notice before admission* on 20-6-2007 and made an order *pending further orders, keeping in view the specific plea of the petitioner that there is standing crop on the land in question, there shall be interim stay of dispossession for a period of 10 days from today. It is made clear that this shall not preclude the respondents to proceed with the auction proposed under the impugned auction notice.* On 5-7-2007 this Court further ordered *counter affidavit has been filed on behalf of the first respondent. At the request of the learned Counsel for the petitioner, post on Monday. Till then, the impugned order granted earlier shall continue.*

2. The Writ Petition is filed for a Writ of Mandamus or any other appropriate Writ, direction, order or orders declaring the action of the respondents in auctioning the lease hold rights of Ac.7-27 cents of land in Sy.No.321/2; 325/1; 328/1 of Pedapuli Varru Village, Repalli Mandal, Guntur District without allowing time for the petitioner to realize the standing crops as wholly arbitrary, illegal and void and consequently direct the respondents to extend

the lease till the end of December, 2007 with 10% increase of proportionate rent and pass such other suitable orders.

3. Several facts are narrated in paras 3 to 7 of the affidavit filed in support of the Writ Petition. The main grievance of the petitioner is that there is standing crop and without permitting the petitioner to harvest the standing crop, if the petitioner is dispossessed, the petitioner would be put to serious loss.

4. A counter affidavit was filed by the 1st respondent narrating several details commencing from paras 3 to 9. Specific stand had been taken that the petitioner being aware of the expiry of the lease period had spent money raising crops beyond the period and it is his own responsibility and further specific stand had been taken that in the light of the Rules governing the field, no such extension as such can be granted. The relevant Rules – The A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 had been placed before this Court. Rules 8, 18 and 19 of the said Rules had been referred to.

5. This Court is not inclined to express any opinion relating to the contentions which had been advanced by the Counsel on record but however in the light of the fact

that while ordering *notice before admission* this Court made an order of interim stay of dispossession for a limited period and subsequent thereto, the same had been extended. In the light of the peculiar facts of the case, the petitioner is permitted to harvest the standing crop before the end of December, 2007 by the payment of 10% increase proportionate rent. It is needless to say that the petitioner is bound to vacate after the expiry of the time i.e., December, 2007. It is also needless to say that on the ground of equity, in the light of the peculiar facts, the matter is disposed of and this decision since being delivered on the ground of equity, it is needless to say that the same need not be taken as a precedent. With the above observation, the Writ Petition is diposed of. No order as to costs.

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Justice P.S.Narayana

3rd September, 2007

smr